



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,135	10/25/1999	NORIHISA HANEDA	0905-0225P	1465

7590 05/09/2003

BIRCH STEWART KOLASCH BIRCH LLP  
P O BOX 747  
FALLS CHURCH, VA 220400747

EXAMINER

RAHIMI, IRAJ A

ART UNIT	PAPER NUMBER
2622	W

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/426,135	HANEDA, NORIHISA
	Examiner (Iraj) Alan Rahimi	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 April 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 3,4,7 and 8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 3,4,7 and 8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 October 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. 08/696,062.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. In papers filed on 4/3/03 applicant amended claims 3 and 7.

***Response to Arguments***

2. Applicant's arguments with respect to claims 3, 4, 7 and 8 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US patent 6,094,218).

Regarding claim 3, Suzuki et al. discloses a reproduction apparatus comprising:  
display means 29 for reading digital image data from a recording medium (column 4, lines 38-52) on which the digital image data (original image as represented by thumbnail image), data representing the size of a full image and data representing the size of an effective image (trimmed image) have been stored in mutually correlated form, and displaying an image which represents the digital image data that have been read (column 9, lines 23-31, 50-54 and 60-67); and

aspect altering means responsive to an entered aspect alteration command for rewriting the data representing the size of the effective image, which data have been recorded on the recording medium, by new data representing an instructed size for the effective image. (Column 10, lines 1-6 and 19-25)

Regarding claim 4, Suzuki et al. discloses an apparatus according to claim 3, wherein said display means displays an image having an aspect ratio decided based upon the data representing the size of the effective image (column 9, lines 60-67).

Regarding claim 7, Suzuki et al. discloses a reproduction apparatus comprising:  
readout means (Device 1, column 6, lines 42-43) for reading data out of a recording medium (column 4, lines 38-52) on which digital image data (original image) and data

representing the size of an effective image (trimmed image) have been stored in mutually correlated form; manipulating means for manipulating the digital image data, which have been read out by said readout means, to image data representing an image having an aspect ratio stipulated by the data representing the size of the effective image (Column 10, lines 1-6 and 19-25); and

display means 2a for displaying the image represented by the image data manipulated by said manipulating means.

Regarding claim 8, Suzuki et al. discloses an apparatus according to claim 7, wherein said recording medium stores in mutually correlated form, original digital image data (column 3, lines 45-48, reduced-image data (trimmed image) and data representing the size of the original digital image data and data representing the size of the effective image (column 9, lines 45-54 and lines 60-67);

said manipulating means, in response to a reduced image display command, manipulates the reduced-image data to reduced-image data representing a reduced image having an aspect ratio stipulated by the data representing the size of the effective image; and the reduced image represented by the reduced-image data manipulated by said manipulating means is displayed on said display means (column 4, lines 60-67).

*Other prior art cited*

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Yamasaki (US patent 5,477,353 discloses photographic image processing system having laboratory unit for processing film and photographer unit for supplying printing information.

Gadre et al. (US patent 6,259,479) discloses a method for changing the number of scan lines in a frame of video data to produce an image represented by the video data that corresponds to a desired aspect ratio.

Fellegara et al. (US patent 6,441,854) discloses a camera incorporating a memory for storing a working image corresponding to the last captured image.

Kodama (US patent 6,400,473) discloses an image reader which simply fetches a film image as an image of substantially the same size and the same image quality irrespective of issuance of a trimming command.

Timmermans (US patent 5,633,726) discloses a picture film having digital picture data and presentation control information including at least orientation information of that picture.

#### *Contact Information*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 703-306-3473. The examiner can normally be reached on Mon.-Fri. 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Art Unit: 2622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

*AR*

Alan Rahimi

May 7, 2003